



**U.S. Department of Justice**

*United States Attorney  
Southern District of New York*

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*86 Chambers Street, 3rd floor  
New York, New York 10007*

October 15, 2021

**BY ECF**

The Honorable Paul A. Engelmayer  
United States District Judge  
Thurgood Marshall United States Courthouse  
40 Foley Square  
New York, New York 10007

Re: *ACLU et al. v. DOD et al.*, No. 17 Civ. 3391 (PAE)

Dear Judge Engelmayer:

This Office represents the defendant agencies (“Defendants”) in the above-captioned lawsuit brought pursuant to the Freedom of Information Act (“FOIA”). We write respectfully on behalf of the parties to provide a joint status report pursuant to the Court’s Order dated October 15, 2021 (ECF No. 155).

As the parties have previously reported to the Court, the several defendant agencies have been reviewing, analyzing, and conferring with the undersigned about the fee schedule and proposed demand provided by Plaintiffs. The undersigned is continuing to pursue the consultation and approval needed to present a revised response to Plaintiffs, a process which is not fully complete, due partly to continuing other docket demands on the undersigned counsel (including trial preparation during the last several weeks), and the involvement of additional new agency personnel in the consultation process. For that reason, the parties jointly request that the Court grant them additional time in which to continue their negotiations and respectfully propose that the Court enter an order instructing the parties to file a further joint status update by November 23, 2021.

We thank the Court for its consideration of this matter.

Respectfully,

DAMIAN WILLIAMS  
United States Attorney for the  
Southern District of New York  
*Attorney for Defendants*

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